



UNITED STATES DEPARTMENT OF COMMERCE

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APPLICATION NO	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO. <i>A-2</i>
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EXAMINER

ART UNIT	PAPER NUMBER
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15

DATE MAILED:

Please find below and/or attached an Office communication concerning this application or proceeding.

Commissioner of Patents and Trademarks

Office Action Summary

Application No.

09/165 034

Applicant(s)

NEELY ET AL

Examiner

Norca L. Torres-Velazquez

Art Unit

1771

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION

- Extensions of time may be available under the provisions of 37 CFR 1.136 b. In no event, however, may a reply be filed later than SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply with in the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED. 35 U.S.C. § 133.
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 25 June 2001.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-7, 9-16 and 27-58 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-7, 9-16 and 27-58 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on _____ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

- 1) ☐ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statements (PTO-1449, Paper No(s) _____)
- 4) ☐ Interview Summary (PTO-413, Paper No(s) _____)
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other _____

DETAILED ACTION

1. Applicant's arguments filed on June 25, 2001 have been fully considered but they are not persuasive.

a. Objection to claims 1, 27 and 35 have been withdrawn in view of amended specification to include the limitation of "at least 1.5 times" as appeared in the original claims. [Refer to paper no. 11, paragraph 2].

b. Applicants argue that the Griesbach patent does not teach high basis weight areas that extend across the length of the web for providing strength.

It is noted that the Griesbach patent discloses that the fabric of their invention can be engineered to have particular fluid handling properties. The surface features of the fabric can be designed to direct flow 3-dimensionally through the fabric. The features of the fabric can also be designed to enhance the strength, resilience, abrasive properties, and the aesthetic properties of the fabric. (Column 3, lines 40-45). Further, the Griesbach patent illustrates in Figure 6 a fabric with high basis weight areas extending across the length of the web.

c. Applicants also argue that Griesbach teaches bonding of the filaments with an adhesive without the application of bonding pressure. Applicants further noted that the new claims 51-54 and 57-58 require that the nonwoven web be thermally bonded.

Griesbach discloses that depending on the degree of web integrity desired, the filaments or fibers of the web may then be bonded by means such as an adhesive, the application of heat or pressure, or both, sonic bonding techniques, or hydroentangling, or the like. (Column 1, lines 52-56)

Claim Rejections - 35 USC § 102

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless

(a) the invention was known or used by others in this country, or patented or described in a printed publication in this or a foreign country, before the invention thereof by the applicant for a patent

3. Claims 1-6, 10 and 13-16 are rejected under 35 U.S.C. 102(b) as being anticipated by GRIESBACH, III et al. (US 5,575,874).

GRIESBACH, III et al. discloses a method for making shaped nonwoven fabric that melt-spins continuous polymeric filaments, and the web has an array of surface features resulting in a variance in basis weight across the web and comprising projections corresponding to the forming surface recesses separated by land areas wherein the web projections have a basis weight at least about 30% greater than the land areas. (Refer to claim 1)

The reference further discloses that these nonwoven fabrics are useful in applications such as absorbent personal care products. (Column 1, lines 16-20).

Claim Rejections - 35 USC § 103

4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

5. Claims 1-7, 9-16, 27-58 are rejected under 35 U.S.C. 103(a) as being unpatentable over GRIESBACH, III et al. (US 5,575,874).

GRIESBACH, III et al. discloses a method for making shaped nonwoven fabric that melt-spins continuous polymeric filaments, and the web has an array of surface features resulting in a variance in basis weight across the web and comprising projections corresponding to the forming surface recesses separated by land areas wherein the web projections have a basis weight at least about 30% greater than the land areas. (Refer to claim 1)

The reference further discloses that these nonwoven fabrics are useful in applications such as absorbent personal care products. (Column 1, lines 16-20).

Although GRIESBACH, III et al. does not explicitly discloses that the first basis weight and second basis weight are from about 0.2 ounces per square yard to about 9 ounces per square yard, the reference does disclose that the intended use of these nonwoven fabrics is in applications such as absorbent personal care products

It would have been obvious to use a range from about 0.5 to about 9 osy in view of the intended use and cost considerations. Applicant's ranges for the limitation of basis weight are broad and encompass typical values that are found in the prior art. Further each of the elements are recognized as result effective variables in this field of endeavor and it has been held that discovering optimum values would have been or result effective variables involves only routine experimentation.

Regarding the use of the nonwoven web adhered to a substrate to form a laminate, it is well known in the art of absorbent personal care products to use laminates.

6. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

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A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.


7. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Norca L. Torres-Velazquez whose telephone number is 703-306-5714. The examiner can normally be reached on Monday-Thursday 7:30-5:00 pm and alternate Fridays.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Terrel Morris can be reached on 703-308-2414. The fax phone numbers for the organization where this application or proceeding is assigned are 703-872-9310 for regular communications and 703-872-9311 for After Final communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 703-308-1495.

nlt

August 14, 2001



TERREL MORRIS
SUPERVISORY PATENT EXAMINER
TECHNOLOGY CENTER 1700